GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Service- Agricultural Market Committee Service- Sri D.Raja Rao, Selection Grade Secretary(Retd.), AMC, Vijayawada – Disciplinary proceedings initiated – charges not held proved - Further action dropped – Orders – Issued.

AGRICULTURE AND COOPERATION (VIG.II) DEPARTMENT

G.O.RT.No. 211 Dated: 19-03-2016

Read the following:-

1. From the G.A(V&E)Dept., Vigilance Report No.44, dt:17.5.2004.
2. G.O.Rt.No.1196, A&C(Vig-II) Dept., dt. 14.11.2005.
3. Govt.Memo.No.6322/Vig-II(1)/2004,dt:16.02.2006.
4. From the C&DOAM, Lr.No.DS(1)467/2003, dt:28.07.2007.
5. Govt. Memo. No. 6322/Vig-II(1)/2004, Dated:01.08.2012.
6. Govt.Memo. No. 6322/Vig-II(1)/2004, Dated:19.03.2014.
7. The Hon'ble APAT Judgment,dt.15.7.2015 in OA No. 7852/2013.
8. From APPSC,Lr.No.497/RT/1/2016, dt.2.3.2016.

ORDER:-

Charges have been framed against Sri D.Raja Rao, Selection Grade Secretary (Retd.) in the reference second read above for non realisation of value of returned hybrid chilly seeds worth Rs.3.31 Lakhs from the supplier. Written Statement of Defence has been received. Not satisfied with it, an enquiry officer has been appointed in the reference 3rd read above to inquire into the charges against Sri D.Raja Rao. On receipt of the Enquiry Officer's report and after examination of the report, Government disagreed with EO's findings and the disagreement factors have been communicated to Sri D.Raja Rao, Ex-Selection Grade Secretary (Retd.) on 1.8.2012.

2. The Government have however taken provisional decision to impose the punishment of 10% cut in pension permanently and communicated the decision to the Charged Officer. Aggrieved by the decision of the Government, Sri D.Raja Rao filed OA No.7852/2013 before the Hon'ble AP Administrative Tribunal.

3. The Hon'ble APAT in its judgment dt.15.7.2015 observed that as follows:-

> " the contention of the respondents that the delay occurred in concluding disciplinary proceedings was because of bifurcation of the State cannot be accepted, since the transaction relates to 2002 and the charge memo. was issued in 2005 and the enquiry was completed in 2007 itself, but the bifurcation of the State was in the year 2014. Because of the delay in concluding the disciplinary proceedings for about 13 years, the applicant is prejudiced. Though, the applicant retired from service in the year 2013, the other pensionary benefits are not released on the ground that the disciplinary proceedings are pending for the past 13 years. Further, though the Enquiry Officer has submitted his report stating that the charges are not held proved, after recovering the amount from the PJ Agro Tech Limited, the Government has issued dissent note baselessly.

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Having regard to the facts and circumstances obtaining in th is case, there is an unexplained delay of 13 years in concluding the disciplinary proceedings. Hence, the charge memo. issued in G.O.Rt.No1196, A&C(Vig.II) Dept., dt.14.11.2005 is liable to be set-aside and hereby set aside. The Respondents are directed to release all the pensionary benefits of the applicant. The OA is disposed of accordingly. "

3. The Government have examined the directions of Hon'ble APAT in OA No.7852/2013 dt:15.7.2015 carefully and decided to implement the judgement dt:15.7.2015 of Hon'ble APAT in OA No. 7852/2013 and hereby drop further action against Sri D.Raja Rao, Selection Grade secretary(Retd.).

4. The APPSC who were consulted, have agreed with the proposal of this Department at para (3) above i.e., to drop further action against Sri D.Raja Rao, Selection Grade secretary(Retd.) AMC, Vijayawada vide reference 8th read above.

5. The Commissioner & Director of Agricultural Marketing, A.P., Hyd., is requested to take necessary action as per Rules in force for release of pensionary benefits to Sri D.Raja Rao, Selection Grade Secretary (Retd.) Agricultural Market Committee, Vijayawada. .

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

T.VIJAY KUMAR,
SPL.CHIEF SECRETARY TO GOVERNMENT(AGRI, AM&C)

To
The Commissioner & Director of Agricultural Marketing, A.P, Hyderabad.
Sri D.Raja Rao, Sel.Gr.Secy.(Retd.) AMC, Vijayawada.
(Through Commissioner & Director of Agricultural Marketing, A.P., Hyd).
Copy to:
The Secretary to AP Vigilance Commission.
The Secretary, AP Public Service Commission, Hyderabad.
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER